

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 64929

Mark Ennis
Faye Ennis

215 Warren Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on September 9, 2009 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 428: Operation of a service garage, operation of a junk yard, outside storage of unlicensed and/or inoperative motor vehicles on residential property known as 215 Warren Road, 21030.

On August 12, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Robyn Clark issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: Mark & Faye Ennis, Respondents and Robyn Clark, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on July 20, 2009 for removal of untagged/inoperative motor vehicles, to remove open dump/junk yard, and to cease service garage activities at this residential property. This Citation was issued on August 12, 2009.

B. Photographs in the file show at least five motor vehicles in the yard and driveway of this single-family house, including a red Honda without valid tags; a car covered with a fabric cover; a car with a wheel off. Photographs also show piles of junk and debris including piles of used tires and car doors and used car parts. A portable engine hoist is visible next to the driveway. Inspector Robyn Clark testified that she visited the property in July and August and observed auto shop activity and explained the zoning and code violations to Respondent Mark Ennis. Re-inspection on September 8, 2009 found the violations continuing. Photographs taken September 8, 2009 show several untagged and inoperative vehicles and at least two piles of tires and car parts in the yard.

C. Respondent Mark Ennis testified that the vehicles and parts belong to his 28 year old son. He testified that some of the cars are licensed but are inoperative, such as the car with a wheel off. He testified that his son rented a storage unit last week and is moving parts there. The hoist has been sold, and he has located a garage to take the sports car. He testified that the property is almost cleaned up.

D. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have violated these restrictions with numerous vehicles. Operation of an automotive service garage in a residential zone is also prohibited by zoning regulations. The repair activities must cease immediately. The piles of automotive parts and junk and debris in the yard violate prohibitions against the accumulation of junk, trash and debris on residential property, and must be removed. Despite Respondents receiving clear notice from the County on July 22, 2009, the junk and debris still remained on the property as of September 8, 2009.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if all violations are corrected by September 30, 2009.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 15th day of September 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.